Previous references.

Ch 56-11 1-4
ss 246-10 1-2
ch 26-06 1-7

1911-12
(Courts)

File No. 56-11

Serial Nos. 5-9

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5-9

Part B. for Dec 12

SUBJECT.

Inspection of courts of Magistrates by Sessions Judge

Table of Contents

5 From the Registrar Ch. Ct No 3652/268 dt 26.3.12 forwards for such action as may be considered necessary a copy of Shimoga Sessions Judge's letter forwarding a letter of the Dt Magte of Chitaldrug in the matter of Inspection of Subordinate Magte Courts.

6 To the Registrar Ch. Ct. No J 1122 dt 10.10.12 Calling for the copy of the inspection report referred to above.

7 From the same officer No 1612/103 dt 29.10.12 forwards the particular copy of the Inspection report called for.

8 To the Registrar Ch. Ct & Mr Chandy. No J 1446-7 dt 26.11.12 G.R.S. 58 State that the Govt are in general concurrence with the Ch. Ct represented in the Registrar's letter no 3652/268 & trust that the D. M. will not give accession for similar structures in future.

9 To the Registrar Ch. Ct. No J 1735 dt 19.12.12, Returns the Notes of Inspection by the Sessions Judge of Shimoga & the Court of the Asst Commr & 1st Class Magte Chitaldrug Dt received with 8.7.

NC 12/10/13.

No. 8 for Asst 7
11.8.13

G.R.S. 11] 191/

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 56-11

FILE HEADING.

Inspection of Courts of Magistrates by Sessions Judges

From

The Registrar of the Chief Court of Mysore

No. 3652/268 Dated 26.3.12 Received 28.3.12.

Diary No. 928/27 Enclos. 3 Spare Copies.- Serial No. 5—

BRIEF ABSTRACT OF LETTER.

Forwards for such action as may be considered necessary, a copy of Shimoga Sessions Judge's letter forwarding a letter of the Dt. Magte of Chitaldrug in the matter of Inspection of Subordinate Magtes' Courts.

NOTES AND ORDERS.

Subd for orders with references.

K.N.(123) 30.3.12 SW(11) 9/4/12

11/4/12

Sec'y

NOTES—First Sheet.

GPB—30,000—12-9-11

J. R. S. 12]

General and Revenue Secretariat.

Ch File No. 56 of 1911

Serial No.	
	1. The correspondence may be recorded with the observation that Govt. expect the Dy Commr & Dt Magte to act in accordance with the Govt. orders on the subject of inspection of cemetery by the Sessions Judge, & the instructions given by the Ch. Court.
	CSO 9/4/12
	1872
	Sd 19/4/12
311	3. Has he addressed Govt. separately in this case?
	Hm 19/4
	~~Ch Copy of previous order~~
	4. Ask Ch. Court what the case referred to (as directly sent up to Govt.) is and whether a copy of the last Govt. was sent to him.
	Hm 20/4/12
	Asst Hazelett 20/4/12
	Ch 20/4/12
	Sd 20/4/12 Ch

5. It has been ascertained that the Ch. Ct. did not send a Copy of this Govt. (9th March 1912) to the D. M. But the Letter ~~Indication~~ took off the Sessions Judge inspecting before the Govt. Mandi

NOTE—Contn. sheet.

On file S(56-11)-

GPB—20,000—20-1-12

J. R. S. 12]

General and Revenue Secretariat. | cb File No. 56 of 191 1

Serial No.

Draft Subd.

KW (123) 25.4.12 SW(11) 26/4

6/ Subd to S & C

1 (1) The Dist Magte has not addressed the Govt direct and separately in this case.

(2) He made a report direct to Govt in April 1911 (File no 246-10) in which he raised the question whether Magistrates could be construed to be Subordinate to Sessions Judge. This report was disposed of by the Govt in Consultation with the Ch. Cl.

U
File 246-10

Evidence notes in file cb 21-6-12 pp 5-6
SL W

(3) ~~Also, Rabbi addressed~~ ~~Dist Magte~~ ~~Chittagong~~ ~~addressed~~ ~~by~~ ~~Govt~~ ~~direct~~ ~~separately~~ ~~in~~ ~~this~~ ~~case~~ ~~as~~ ~~appeared~~ ~~by~~

Again on the Sessions Judge of Chittagong forwarding to him a Copy of his notes of inspection of Certain Courts, the Dist Magte addressed Govt direct in August 1911, about the dual Control to which magts

S
File 56-11

NOTE—Contn. sheet.

GPB—20,000—20-1-12

R. S. 12]

General and Revenue Secretariat.

File No. 56 of 191

Serial No.

2-5-12

would be subordinate if Sessions Judges were also authorised to inspect their Courts.
[This reference was made after the receipt by the D.M. of the order passed by Govt on his Earlier reference]

8/ This letter of the D.M. Magstr was returned by the Govt for submission thro' the Ch. Ct. (File no 56-11) This was done and before orders were issued on this file (9th March 1912), he had the Correspondence with the Sessions Judge [Feb 1912] refd to in the Enclosures letter of the Ch. Ct. now under disposal.

S (File 56-11)

*This order was not Communicated by the Ch. Ct. to the District Magstr. (informally ascertained)

S.H.

29/4/12

10/8/12

1/5/12. An order as proposed by the Secretary (P.2) may be passed and copy sent to D.M. also through the Ch. Ct.

Dewan

30/4/12

to Something more than a mere formal

S.H.

1/5/12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

5

-J. R. S. 12]

General and Revenue Secretariat. | 45 File No. 56 of 191/

Serial No.

order recording reasons be necessary. A.G. with the draft & circulated for approval of Council & then if & when necessary. It will read the Reasons after say that Council concur in the Opinion & therein depend Communicate a copy of the Reasons when & the Draft made stating that the Draft made will not require reasons to be given

11

Bill

Please prepare & circulated to Council with draft &c as ordered by the Dewan

WB
2/9

2/9/12

922 1st/2nd 12

Draft G.O. appd. by 1st Councillor 28.9.12

MS

2nd Councillor 23

Draft appd by 2nd Cor 30

30/9/12

NOTE—Contn. sheet.

80(54)
11/10/12

GRB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

C5 File No. 56 of 1911-12

Serial No.	
3777 3.10.12	Dewan. 22 2/10 14 8/10

NOTE—Contn. sheet.

GPB—20,000—20-1-12

7

15 *Submitted to His Highness.*

The accompanying papers relate to a controversy between Mr. K. Chandy, District Magistrate of Chitaldrug, and Mr. Mir Hamza Hussain, the Sessions Judge of the Shimoga Division, regarding the inspection of certain Magisterial Courts in Chitaldrug by the latter.

16 2. At para 11 of the Government Proceedings No.J.2321-9/Cts.92-10-3 dated 15th February 1911, reviewing the report of the administration of Criminal Justice in Mysore for the year 1909-10, it was ordered that 'Government consider it desirable that all the courts of Subordinate Magistrates should be inspected by the District Magistrates or Sessions Judges at least once a year'.

x Flag R

17 3. On receipt of the order, the Sessions Judge of Shimoga made a reference to the Chief Court as to whether he was to inspect only the Courts of first class magistrates in his division over whom he exercised appellate jurisdiction or the Courts of the second and third class magistrates as well. The Chief Court was of opinion that that was a matter which the Sessions Judge ought to arrange in consultation with District Magistrates and suggested that Sessions Judge might inspect all the Courts at the Head Quarters of Districts and the District

(Flag G. in File M 246-10)

Magistrates all outlying Courts.

4. The Sessions Judge forwarded to the District Magistrate of Chitaldrug a copy of the above Proceedings of the Chief Court and also intimated that he would inspect the Court of the Assistant Commissioner and first class Magistrate of Chitaldrug Division on the 9th of April 1911. Thereupon the District Magistrate in his letter No.432 dated 19th April 1911, made a representation to Government about the inexpediency of allowing the inspection of the Subordinate magisterial courts by the Sessions Judge. On consultation with the Chief Court the Government considered that the practice was not open to any objection and that there would be no difficulty if the Chief Court's suggestion was given effect to and accordingly a reply to that effect was sent to the District Magistrate - vide Secretary's letter No.J.239 dated 15th July 1911.

(flag H (in file H 246-10))

(flag H (in file H 246-10) - (flag J (in file S 56-11))

5. Subsequently with his letter No.80 dated 8th August 1911, the District Magistrate submitted to Government the Memo of the Sessions Judge No.265/110 dated 12th April 1911 on the inspection of the Court of the Assistant Commissioner and first class Magistrate of Chitaldrug, with his observation that certain paragraphs indicated by him showed 'clearly that there was danger of dual control over magistrates from a continuance of the present system' as he had apprehended in his letter No. 432 dated 24th April 1911, which had by that time been replied to finally. This letter had to be returned for re-submission

J

(flag H (in file H 246-10))

9

through the Chief Court who were unable to see that there was anything in the note which is in any way open to objection. This letter was thereupon recorded by the Government but before the order could be communicated to the District Magistrate, the controversy entered upon another phase.

Flag K (in file S 56-11)

10 6. In the month of January, the Sessions Judge was going to Chitaldrug to hold the Sessions and he wrote to the District Magistrate to instruct the Assistant Commissioner and first class Magistrate, Chitaldrug ~~District~~ Division, and the Treasury Assistant Commissioner and second class Magistrate, Chitaldrug, to hold themselves ready for the inspection of their Courts by the Sessions Judge. To this the District Magistrate appears to have replied that the Treasury Assistant Commissioner's Court was presided over by a Second class Mgistrate and that the Court clerk was absent on Jamabandy duty with Mr. T.G. Rama Iyer. Thereupon the Sessions Judge drew the attention of the District Magistrate to the Chief Court's Proceedings and gave up the idea of inspecting the Court of the Treasury Assistant Commissioner.

11 7. To this communication the District Magistrate replied in his No.571 dated 21st February 1912 and suggested that the Sessions Judge might obtain further instructions as regards the inspection of second class Courts, as in his opinion the inspection of such Courts did not appear to be contemplated, 'apart from the general question of the legality of such inspections

Flag L (Enclosure to Papers under Disposal)

10

inspections on which matter the Government have (had) been addressed'. The Sessions Judge forwarded this letter and in seeking definite instructions in the matter brought to the notice of the Chief Court the objectionable attitude taken by the District Magistrate.

Paper under disposal 12

8. In his letter No.3652-268 dated 26th March 1912, the Registrar of the Chief Court submitted the correspondence for such action as the Government may consider necessary and observed that Mr. Chandy's construction of the Government Order and of the Proceedings of that Court was in the opinion of the Judges not correct, while his conduct in addressing Government direct about the illegality of Sessions Judges inspecting Courts of second and third class Magistrates was open to grave objection. In doing so the Registrar also pointed out previous instances in which Mr. Chandy had fallen out with officers holding a higher position than himself.

P.4 of notes 13

9. The First Councillor was at first of opinion that the correspondence may be recorded with the observation that the District Magistrate should act in accordance with the Government Order and the instructions of the Chief Court. I thought however that something more than a mere formal order recording was necessary. It should be remembered that a copy of the instructions of the Chief Court was communicated to the District Magistrate upon which a representation was submitted by him to the Government. This action in itself is of questionable propriety

as the representation should have been sent up to or through the Chief Court. The matter however was once again considered and the District Magistrate was distinctly informed of the concurrence of Government with the instructions of the Chief Court. The action of the District Magistrate in pursuing the controversy after the receipt of the above order and the attitude now taken by him in the proposed inspection of the Sessions Judge of the Court of the second class Magistrate of Chitaldrug are open to serious objection.

10. Under these circumstances, it is proposed to record an order in general concurrence with the Chief Court and stating that Government trust that similar incidents will not recur. The draft submitted herewith has been approved by both the Councillors. The papers are submitted for the orders of His Highness.

P Bhandarkar
10 Dec

D.O.No. 161
With file

PRIVATE SECRETARY MYSORE

The Palace,
Mysore,
14th October 1912.

My dear Sir,

With reference to file No.703 dated 12-10-12 I am directed to ask you to kindly send memo No. 265/110 dated 12th April 1911 written by the Sessions Judge Shimoga and referred to in Mr. Chandy' letter to Government (flag J) dated 8th August 1911.

Yours sincerely,
Mirza M. Ismail
For Private Secretary.

T.Ananda Rao, Esq,
C.I.E.,
Dewan of Mysore,
Mysore.

12

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

No. 703
12.10.12

Controversy between Mr.K.Chandy District Magistrate, Chitaldrug, and Mr. Mir Hamza Hussain, Sessions Judge of the Shimoga Division, regarding the inspection of certain magisterial Courts in Chitaldrug by the latter.

343
Returned with D.O.No. 161
Dated 14.10.12

No. 422

Order.

~~K.R.W.~~
14/11/12

Secretary.

Please issue draft
14/11/12 P.C.

Secy

Please have the required
portion - Probably the one in
the Jud Dept file relating to the
general question of Dist. Judges
inspecting subordinate magistrates
Courts

14/11/12

6.9.27
13.11.27
17/10

C R. S. 12]

13

General and Revenue Secretariat.

CS File No. 56 of 1911-12

Serial No.	
	28 Subd. The Copy of the inspection report received from the District Magte. Chitaldrug was returned to the Chief Court with first Page. N J 2605 CS-56-11-14 & 9.3.12
K.	29 Draft Subd. HCS 1/12 (8/10/12)
	29 Sep 8/10/12
6	To the Registrar, Chief Court N J 1122 & 19.10.12 calling for the Copy of the inspection report referred to above.
7	From the Same officer, N 1412 & 29.10.12 Forwards the particular Copy of the Inspection report Called for.
Z.	30 Subd. Mem. N 265/110 & 12.4.1911 by Mr Inamza Hussain called for by the Private Secy. to HH the Maharaja in his D.O. N 1619 14.10.12, on page 12. of the notes above, is herewith Submitted for

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

CS File No. 56 of 1911-12

Serial No.

2

orders

ACS 122
4-11-12

1164

2/4/12

4148
6-11-12

Secy Dewan

23
5/11

5/11/12

Bill

31) Please move proposal in
para (Vide Dewan's order on
page 12)

23
21/11

B

28/11/12

8 To the Regr. ch. ch. & Mr. chemy
No. 9 (1446-) dy. 26-11-12
States that the Govt are in general concurrence
with the chief court's proposals in the Regr's
letter No. 3652/268 & explains that the

NOTE—Contn. sheet.

[K. S.-12.]

General and Revenue Secretariat.

C.S. File No. 56 of 1911.

Serial No.	
	Does not give occasion for similar strictures in future.
32	Draft returning the enclosures received with Sl. No. 7 is put up.
	SA-157. 28-11-12 11-12-12
	33) Letter 14/12/12
9	To the Regr. Ch. Ct. No. J 1735. of 19-12-12 Returns the Notes of inspection by the Sessions Judge of Sheimga of the Court of the Asst Court & 1st-class Magte, Chitaldrug Dn. received with Sl No 7.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

No: 3652 / 268 Press. No. 56 11-5

12527

Chief Court of Mysore,

Bangalore, dated 26th March 1912.

26th a:

From,

V. A. Rajaratna Mudaliar Esquire,

Registrar of the Chief Court of Mysore.

To,

C. S. Balasundaram Iyer Esquire,

Offg: Secy: to the Govt: of Mysore,

General and Revenue Departments.

S i r,

I am directed to forward, for such action as the Government may consider necessary, a copy of letter No. 1381 / 313 dated 6th Instant and its enclosure received from the Sessions Judge, Shimoga, and to state that the Chief Court are of opinion that their Proceedings No. 4154 / 141 dated 13th March 1911 which the Government ratified in their letter to the Chitaldrug District Magistrate (No. J. 239 - Cts. 246-10-2, dated 15th July 1911), did not limit the power of the Sessions Judge to inspect the courts of First Class Magistrates only, but gave him authority to inspect the courts of all Magistrates, situated at the

headquarters

2

headquarters of Districts, and that therefore the Sessions Judge was within his rights when he wrote his letter No. 1427 / 501 dated 11th January 1912 to the District Magistrate of Chitaldurg expressing his intention to inspect the Court of the Assistant Commissioner and Second Class Magistrate of Chitaldrug. The Judges failed to follow the reasoning of the District Magistrate when he refers to the inspection made by the Sessions Judge of the outlying Court of Davangere after consultation with him. Such an inspection was not contemplated by the aforesaid Proceedings of this Court and may therefore be taken to have been made by sufferance. The inspection of Courts at headquarters of Districts stands, however, on a different footing.

Mr. Chandy's construction of the Government Order and of the Proceedings of this Court is, in the opinion of the Judges, not correct, while his conduct in addressing Government direct about the illegality of Sessions Judges inspecting Courts of Second and Third Class Magistrates is open to grave objection.

(File S 6-11)

I am to add that this is not the first instance in which Mr. Chandy has fallen out with officers holding a higher position than himself. When he was Assistant Commissioner and First Class Magistrate at Shimoga in 1906, he disputed the

authority

authority of the District Magistrate to call upon him to furnish certain explanation and asserted that he was not bound to obey the orders of the latter, and the matter went up to Government who passed the marginally noted proceedings censuring his conduct. Some time afterwards when he was Assistant Commissioner, Chitaldrug, he fell out with the Sessions Judge (Mr. Plumer) on five occasions and the Chief Court had to interfere and to point out to him the impropriety of his raising unnecessary controversies in respect of matters finally decided by superior officers and Courts.

(1) Government Proceedings No. J. 1302 - Cts.- 26-06-2 dated 15 - 11 - 1906 and
(2) No. J. 2603 - 02 - Cts. 26 of 1906-1907 dated 28th February 1907.

(File 26-06)

A copy of the Proceedings of the Chief Court dated the 9th August 1907 is also forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

N. G.

-131-

Encl to ch 56-11-5

Letter No. 1881/313 dated 5th March 1912, from the Sessions Judge, Shimoga Division, to the Registrar of the Chief Court of Mysore, Bangalore.

-----:::0:::-----

In forwarding herewith copy of letter No. 571 dated 21st / 26th February 1912 from the District Magistrate of Chitaldrug, anent inspection by me of the Court of the Treasury Assistant Commissioner and Second Class Magistrate, Chitaldrug, I have the honour to state as follows:-

R

In Government Proceedings No. J. 2321-9/Cts. 92-10-3 dated 15th February 1911, it has been ordered that "all the courts of Subordinate Magistrates should be inspected by the District Magistrates or Sessions Judges at least once a year". Upon this, I made a reference to the Chief Court in this Office No. 1696/340 dated 1st March 1911 asking for instructions as to what courts the Sessions Judge should inspect, whether he should inspect only the Courts of ~~the~~ First Class Magistrates over which he exercises appellate jurisdiction, or the courts of the Second and Third Class Magistrates as well. In reply to this the Chief Court passed the following proceedings: No. 4154/141 dated the 13th/16th March 1911 : - 'This is a matter which the Sessions Judge ought to arrange in consultation with District Magistrates. It is suggested that the Sessions Judge inspect all the Courts at the Head Quarters of Districts and the District Magistrates all outlying Courts'. Reading this proceedings with the Government Order upon which it is based, I interpreted it to mean that between themselves the District Magistrate and the Sessions Judge should arrange to inspect all the Subordinate Courts within their respective jurisdictions, and that, as a rule, the Sessions Judge should inspect all the Courts at the District head-quarters. I thought that the expression 'it is suggested' was advisedly used in order to pre-

vent

prevent the overlapping of inspections and that the District Magistrate should so arrange his work as not to entail upon the Sessions Judge the necessity of going to an out-station for inspection, which would interfere with his civil work. Accordingly, I inspected during the last official year the 1st class Magistrates Courts of Shimoga, Sagar and Chitaldrug Sub-Divisions and the 2nd class Magistrate's Court of the Treasury Assistant Commissioner, Shimoga.

During the current year, as I was going to Chitaldrug to hold the Sessions in the month of January, I wrote to the District Magistrate of Chitaldrug (vide this Office No. 1427/501 dated @ 11th/12th January 1912) intimating that I intended to inspect the Courts of the Assistant Commissioner and 1st class Magistrate, @ Chitaldrug Sub-Division, and the Treasury Assistant Commissioner and 2nd class Magistrate, Chitaldrug, during the third week of January and requested him to kindly instruct the Magistrates to place the Criminal registers of their courts at the disposal of the clerks of this Office. To this the District Magistrate replied in his No. 493 dated 20th January 1912 that the Treasury @ Assistant Commissioner's Court was presided over by a second class Magistrate and that the Court clerk of that Court had gone on Jamabundy work with Mr. T.G.Rama Iyer. I then drew the attention of the District Magistrate to the Chief Court's proceedings mentioned above and gave up the idea of inspecting the Court of the Treasury Assistant Commissioner. I inspected only the Court of the Assistant Commissioner and 1st class Magistrate, Chitaldrug Sub-Division, and returned to Shimoga. The District Magistrate has now sent me the communication which forms the subject of this reference. In it the District Magistrate refers to my having inspected the Davangere Magistrate's Court in the month of October 1911. The Sessions work at Chitaldrug in that month came to a close rather earlier than expected and as I had no work at Shimoga for some days, I arranged, in consultation with the District Magistrate, to inspect the Court of the Davangere Assistant Commissioner.

Commissioner. But I cannot follow the reasoning of the District Magistrate that because I consulted him on that occasion I am @ not competent under the terms of the Chief Court's proceedings to inspect the Courts of second class Magistrates. I beg therefore that definite instructions may be kindly issued by the Chief Court upon the point.

I beg further to invite the attention of the Chief Court to the attitude taken up by the District Magistrate. I believe he has made a reference to the Government upon the subject of the inspection of Courts by Sessions Judges. But if he differed from me as to the interpretation of the Chief Court's proceedings the proper course for him was to make a reference to the Chief Court. He is hardly justified in laying down his interpretation for the guidance of this Court and asking it to make a reference to the Chief Court.

(Jud 56 - 11) S

I may add that I would not have made this reference had the District Magistrate said that he would inspect the Court of the Treasury Assistant Commissioner himself, but since he had raised the question of competency of this Court to inspect the Courts of second class Magistrates 'apart', as he says, 'from the general question of legality of such inspections', I have been @ obliged to make this reference.

I have etc.,

Sd/- Mir Humza Hussain,
Sessions Judge,
Shimoga Division.

A.V.

'Copy'

Registrar

131

Enc 5 Ch 56-11-5 7

No. 571.

Office of the District Magistrate,

Chitaldrug District,

Dated Chitaldrug 21st / 26th February 1912

From

The District Magistrate,

Chitaldrug.

To

The Sessions Judge,

Shimoga Division.

With reference to his Docket No. 1506/532 dated ..... has the honour to state that the proceedings of the Chief Court contain only a suggestion and not a direction and it is clearly stated in the first sentence that the instruction of Magisterial Courts is a matter that a Sessions Judge ought to arrange in consultation with ~~the~~ District Magistrates. It would appear that the Sessions Judge also has understood the proceedings in this manner seeing that in consultation with the undersigned, he inspected the outlying Court of Davangere. If he had understood the proceedings above referred to as of a nature of a direction that "the Sessions Judge should inspect all the courts at the District Head Quarters," it does not appear how he inspected the Davangere Court, when according to this interpretation, the same sentence would say also that the District Magistrates (should inspect') all outlying Courts.

In the above view, the undersigned would suggest that for inspecting 2nd class Courts, the Sessions Judge will kindly obtain further instructions, as in the opinion of the undersigned the inspection of such Courts by Sessions Judges does not appear to be contemplated, apart from the general question of the legality

of

Sue Loch 56-11-5 8

Proceedings of the Chief Court of Mysore.

№ 1204
766

Bangalore 9th August 1907.

Read docket No: 53 dated the 23rd Ultimo from the ... District Magistrate, Chitaldrug bringing to the notice of this Court the conduct of Mr: K. Chandy, Assistant Commissioner and 1st class Magistrate, Davangere Sub Division, who in certain cases has arrogated to himself powers that can only be exercised by his superiors.

Read also No. 845 dated 12th June last from the same officer forwarding copy of Proceedings in Criminal Mis: Case 86 of 1906-07 on the file of the First Class Magistrate, Davangere.

------::::0::::------

The Chief Court has observed a tendency in this Magistrate (Mr. K. Chandy) to raise unnecessary controversy in respect of orders or judgments passed in due course by superior courts. When a Magistrate has passed a final order in a case, his connection with it is over as a rule, and unless further enquiry is directed to him, or any explanation is asked, he has no concern with what orders or observations are passed by superior officers or courts in their Judicial capacity. If he considers the opinion of the Superior Court incorrect he has as a rule to keep his opinion to himself and cannot press it on the appellate court officially.

It may be useful to know that rulings of courts other

than

than the High Court ~~or~~ are binding authority but only for the cases in which they are enunciated; and that uncalled for criticisms on the proceedings of higher tribunals may often pass the borders of courtesy and deference due to their officially recognised position.

The Chief Court trusts that these remarks will have their due effect in preventing such profitless controversy being raised.

The record is herewith returned.

(Sd)/. B.Basavaradhya,
for Registrar.

To,

The District Magistrate, Chitaldrug, for information and communication to Mr. Chandy.

"C o p y"

Registrar.

N.G.

M.

G. R. S. 26]

Enquiry

File No.

Serial No.

Diary No. of letter replied to

No. J 1122/ES-56-11-6

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar, Chief Court,

Date of issue 19-10-12

Signed by [illegible]

Sir,

I am directed to invite your attention to Govt Order No. 2605-ES 56-11-4 dated the 9th March 1912, and to request that the in regard to the inspection by the Sessions Judge Shimoga Division, of the

over.

SUBJECT.

Court of the Assistant
Commissioner and 1st
Class Magistrate, Chitaldrug
Sub Division and to request
that the copy of the note of inspection
& ~~inspection report~~
returned with the aforesaid
Govt Proys may be
forwarded ~~for reference~~
to this Office at a
very early date.

I have
&c.

For Offg. Secy.

Regd. 122
18/10/12

List of enclosures.

Copied by

Examined by

GPB—25,000—8-8-11.

H.
19/10

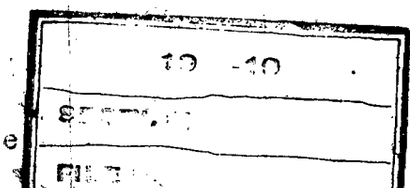
No: 1412 Records 03

CHIEF COURT OF MYSORE,

Bangalore, dated 29th October 1912.

From

DIARY No. 1164.



The Registrar of the
Chief Court of Mysore

To,

The Secretary to the Govt: of Mysore,
General and Revenue Departments.

S I R,

With reference to your letter No. J. 1122/Cts.56-11-6 dated 19th Instant, I am directed to forward herewith the copy of the Shimoga Sessions Judge's notes of Inspection of the Court of the Assistant Commissioner and First Class Magistrate, Chitaldurg Division.

I have the honour to be,
Sir,
Your most obedient servant,

REGISTRAR.

N. G.

13.

b 6

11

G.R.S. 28]

Draft

File No. 56 – 11.

Serial No. 8

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.

( )

Proceedings of the Government of His Highness the Maharaja of Mysore

, *the* 191

READ—

Letter no 3652 dated 26th March 1912 from the Registrar to the Chief Court of Mysore

Date of issue 26-4-12

Signed by Mr. K. R. Srinivasaiengar

(Here type in extenso the

ORDER THEREON. No.

Registrar's letter)

order thereon 1446-7

The Govt. are in general unwilling

over.

SUBJECT.

with the opinion of the
Chief Cond. expressed above
and that the Dist.
Magistrate will not give
sanction for similar structures
in future

19.11.12

23
22/9

28/9/12

26.9.12

Copy to the Registrar of the
Chief Cond.

1/10/12

K. Chandy Esqr
Copy to the District Magistrate
(Ghittaldrug)

25/11/12

12

Rep. file

G. R. S. 26]

File No. 56-11

Serial No. 9

Diary No. of letter replied to

No. J 1438 Encl.

General and Revenue Secretariat

( )

; the *191*

To

The Registrar

Chief Court,

Date of issue 19-12-12

Has the honour to return herewith

Signed by Sdd S. Srinivasaraya

the copy of the notes of inspection

by the Sessions Judge, Shimoga, of the

court of the Assistant Commissioner and

First class magistrate, Chitaldrug

Division, forwarded with his letter

No. M 1402/103 dated the 29/30-10-12.

By order,

Sd

Dep. Offg. Secretary.

over.

SUBJECT.

copied MRV 17/12 SN